

**Introduced by Committee on Elections and Constitutional
Amendments (Senators Correa (Chair), De León, Gaines,
La Malfa, and Lieu)**

February 22, 2012

An act to amend Sections 50707 and 55310.2 of the Water Code, relating to water district election procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 1188, as introduced, Committee on Elections and Constitutional Amendments. Reclamation districts and county waterworks districts: election procedures.

Existing law authorizes the formation of reclamation districts to reclaim land that is subject to overflow or incursions from the tide or inland waters. Existing law also authorizes the formation of county waterworks districts to supply water to the inhabitants of those districts for irrigation, domestic, industrial, or fire protection purposes. Under existing law, those reclamation districts and county waterworks districts are authorized to conduct elections by all-mailed ballots, as specified. Existing law establishes mailed ballot election dates.

This bill would correct erroneous cross references within those provisions of law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 50707 of the Water Code is amended to
2 read:

1 50707. (a) Notwithstanding any other provision of law and
2 regardless of the number of eligible voters within its boundaries,
3 a district may, by resolution of its governing board, conduct any
4 election by all-mailed ballots pursuant to Division 4 (commencing
5 with Section 4000) of the Elections Code.

6 (b) An election conducted pursuant to this section shall be held
7 on a date prescribed in Section ~~1501~~ 1500 of the Elections Code
8 or on any other date other than an established election date.

9 SEC. 2. Section 55310.2 of the Water Code is amended to read:

10 55310.2. (a) Notwithstanding Section 55301, the Board of
11 Directors of the Mendocino County Waterworks District #2 shall
12 be elected. The elected board of directors shall act as the governing
13 board of the district.

14 (b) There shall be five members of the board who shall be
15 elected at large throughout the district. The directors shall be
16 residents of the district at the time of election and shall remain
17 residents throughout their term. Failure to maintain residency shall
18 cause the director to vacate the office. The directors shall serve
19 four-year terms. The election of directors shall be held by the
20 all-mailed ballot procedure pursuant to Division 4 (commencing
21 with Section 4000) of the Elections Code on the date described in
22 Section ~~1501~~ 1500 of the Elections Code.

23 (c) Elections for the directors shall be conducted by the county
24 clerk or by another election officer designated by the Mendocino
25 Board of Supervisors. The district shall be responsible for the cost
26 of the district elections.

27 (d) Unless otherwise provided or required by this section, Part
28 4 (commencing with Section 10500) of Division 10 of the Elections
29 Code shall apply to the conduct of the district election.

30 (e) Any vacancy on the board, other than upon the expiration
31 of a term, shall be filled by a majority vote of the directors.
32 However, no vacancy shall be filled by less than three members'
33 affirmative votes. If the board fails to fill a vacancy within 60 days
34 of the vacancy or if the membership of the board is less than four,
35 the Mendocino County Board of Supervisors may appoint members
36 to fill the vacancies. Appointed members shall serve until the next
37 district election at which time the remainder of the unexpired term
38 shall be filled at that election in the manner provided in this section.

39 (f) Directors shall be elected without reference to districts and,
40 except for the filling of unexpired terms, without reference to a

1 specific directorship. All candidates for open seats, except for the
2 filling of unexpired terms, shall appear on the same ballot. Voters
3 shall be allowed to vote for the number of candidates equal to the
4 open seats; that number of candidates equal to the number of open
5 seats that receive a plurality shall be elected. Write-in votes shall
6 be counted, provided that the write-in candidate shall have
7 complied with the requirements of subdivision (d) pertaining to
8 the filing of a nomination form and signatures with the county
9 clerk no less than 14 days prior to the election.

10 (g) Directors duly elected and certified at the first election shall
11 assume office on July 1, 1996. The two-year terms shall expire on
12 June 30, 1998. The first four-year terms shall expire on June 30,
13 2000. All subsequent terms shall expire on the last day of June in
14 even-numbered years.

15 (h) Directors shall receive no compensation for service, except
16 as permitted under Section 55305, but may be reimbursed only for
17 necessary and actual expenses. Regulations governing
18 reimbursement may be adopted by the board.

19 (i) Effective July 1, 1996, the elected Mendocino County
20 Waterworks District #2 Board of Directors shall succeed to and
21 have all the powers previously conferred upon the board of
22 supervisors and the appointed board of directors in reference to
23 this district.